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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NEMETH,

Defendant.

Case No. 24-CR-12-SWS

**DEFENDANT’S MOTION TO REOPEN DETENTION PROCEEDINGS AND
REQUEST FOR PRETRIAL RELEASE TO ATTEND RESIDENTIAL
TREATMENT PROGRAM**

Defendant James Nemeth, through counsel, asks this Court to re-open the detention proceedings so that he may present information that was not known at the time the detention hearing on January 3, 2024. Since that hearing, Mr. Nemeth has received the results of a current substance abuse evaluation (ASI/ASAM) and has been accepted into the Central Wyoming Counseling Center (CWCC) residential treatment program. CWCC has designated Mr. Nemeth to their facility in Casper, Wyoming and assigned him a bed date of February 15, 2023, if pre-trial release is granted. This facility is best suited to address Mr. Nemeth’s specific substance abuse issues. The length of stay would be approximately 90 days. Mr. Nemeth’s

significant other, Crystal Beagle, is available to transport him to the facility, and he will check in no later than 2:00 p.m. This information has a material bearing on the issue whether there are conditions of release that will reasonably assure his appearance at trial and the safety of the community, pursuant to 18 U.S.C. § 3142(f).

Counsel for Mr. Nemeth contacted Assistant United States Attorney Mackenzie Morrison regarding this request. AUSA Morrison opposes the release plan described herein.

I. BACKGROUND

Mr. Nemeth initially was charged by Complaint with one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and one count of felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (ECF No. 1.) He was taken into federal custody on December 27, 2023. (ECF No. 11.) Mr. Nemeth's initial appearance on the Complaint was held December 28, 2024, and his detention hearing followed on January 3, 2024. (ECF Nos. 5, 14.) He was ordered to remain in custody pending trial. (ECF No. 16.) Mr. Nemeth subsequently was indicted on January 10, 2024, on the two counts described in the Complaint and an additional count of felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (ECF No. 17.) Mr. Nemeth was arraigned on the Indictment on January 22, 2024, and his jury trial was set for March 11, 2024. (ECF No. 22.) At his initial appearance and arraignment hearing on the Indictment, the Court did not revisit Mr. Nemeth's

detention. The Defense filed for an ends-of-justice continuance and, on February 5, 2024, the Court reset Mr. Nemeth's Jury Trial for April 29, 2024. (ECF No. 29.)

II. ARGUMENT

Mr. Nemeth requests that the Court re-open the detention hearing. Accordingly, to reopen a detention hearing a defendant must, first, "present information that was not known or available to him at the time of his original detention hearing," and then, second, show that such information "is material to and has a substantial bearing on whether he should remain detained." 18 U.S.C. § 3142(f)(2)(B).

There has been a substantial and material change that warrants re-opening and that was not known at the time of the detention hearing. Since the last hearing, Mr. Nemeth has obtained the results of a current ASI/ASAM evaluation and has applied to participate in the residential treatment program through CWCC. CWCC approved Mr. Nemeth for treatment on February 6, 2023, with a bed date of Friday, February 15, 2023, if pre-trial release is granted. (Ex. A.) At the time of the detention hearing, Mr. Nemeth had not received the results of his current ASI/ASAM evaluation and had not been accepted into a residential treatment program.

CWCC provides a residential treatment center that offers substance abuse treatment to men battling severe addiction issues. While at CWCC, patients are involved in various therapeutic, community, and recovery-oriented activities. Each patient is assigned a clinician upon admission and given a thorough intake

interview. Patients thereafter are provided with extensive individual and group counseling designed to teach about the addiction process and how to deal with the psychological effects of addiction in a more productive manner. CWCC also provides groups on cognitive behavioral therapy, as well as training specifically designed for parents. CWCC clinicians are specifically trained to help patients work through addiction issues and identify healthy coping mechanisms with the benefit of a structured, regimented environment.

Mr. Nemeth is requesting that he be released on pretrial bond so he can enter and complete CWCC's residential treatment program. He would reside in Casper, Wyoming under the supervision of U.S. Probation and Pretrial Services, and he would comply with any conditions that the Court imposes to ensure his court appearances and the safety of the community.

I. CONCLUSION

Mr. Nemeth respectfully requests that this Court set a hearing to reconsider detention in this matter.

DATED this 8th day of February 2023.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Andrew Francisco
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024 the foregoing was electronically filed and consequently served on counsel of record.

/s/ *Andrew Francisco*

Assistant Federal Public Defender